



## **LIBRARY OF CONGRESS**

### **U.S. Copyright Office**

**[Docket Nos. 2015-6, 2015-8]**

#### **Software-Enabled Consumer Products Study and Section 1201 Study: Announcement of Public Roundtables**

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Notice of public roundtables.

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**SUMMARY:** The United States Copyright Office has issued Notices of Inquiry (“NOIs”) announcing separate public studies on software-enabled consumer products and section 1201 of title 17. In addition to soliciting written comments on these issues, the Office is now announcing public roundtables for these studies to provide forums for interested members of the public to address the issues set forth in the NOIs.

**DATES AND ADDRESSES:** Public roundtables for the above-referenced Copyright Office studies will be held on the dates and at the locations provided below. The roundtables for the two studies are being held on consecutive dates in each location to accommodate parties who may have an interest in attending both.

*Software-Enabled Consumer Products Study:* For its study on software-enabled consumer products, the Office will hold public roundtables in Washington, DC and San Francisco, CA. The roundtable in Washington will take place on May 18, 2016, at the Library of Congress’s Madison Building, 101 Independence Avenue, S.E., Washington, DC 20540, from 9:00 a.m. to approximately 5:00 p.m. The roundtable in San Francisco will take place on May 24, 2016, at Hastings School of Law, 200 McAllister Street, San Francisco, CA 94102, from 9:00 a.m. to approximately 5:00 p.m.

*Section 1201 Study:* Likewise, for its study on section 1201, the Office will hold public roundtables in Washington, DC and San Francisco, CA. The roundtable in Washington will take place on May 19 and May 20, 2016, at the Library of Congress's Madison Building, 101 Independence Avenue, S.E., Washington, DC 20540, from 9:00 a.m. to approximately 5:00 p.m. on the first day, and from 9:00 a.m. to approximately 1:00 p.m. on the second day. The roundtable in San Francisco will take place on May 25 and May 26, 2016, at Hastings School of Law, 200 McAllister Street, San Francisco, CA 94102, from 9:00 a.m. to approximately 5:00 p.m. on the first day, and from 9:00 a.m. to approximately 1:00 p.m. on the second day.

Additional information, including instructions for submitting requests to participate in the roundtables, is available on the Copyright Office website at <http://copyright.gov/policy/software/> (software-enabled consumer products) and <http://copyright.gov/policy/1201/> (section 1201). Requests to participate in the roundtables must be received by the Copyright Office by April 18, 2016. If you are unable to access a computer or the internet, please contact the Office using the contact information below for special instructions.

**FOR FURTHER INFORMATION CONTACT:**

*Software-Enabled Consumer Products Study:* Sarang V. Damle, Deputy General Counsel, [sdam@loc.gov](mailto:sdam@loc.gov); Catherine Rowland, Senior Advisor to the Register of Copyrights, [crowland@loc.gov](mailto:crowland@loc.gov); or Erik Bertin, Deputy Director of Registration Policy and Practice, [ebertin@loc.gov](mailto:ebertin@loc.gov).

*Section 1201 Study:* Regan A. Smith, Associate General Counsel, [resm@loc.gov](mailto:resm@loc.gov); or Kevin Amer, Senior Counsel for Policy and International Affairs, [kamer@loc.gov](mailto:kamer@loc.gov).

Each of these persons can be reached by telephone at (202) 707–8350.

**SUPPLEMENTAL INFORMATION:** The Copyright Office is conducting separate studies concerning software-enabled consumer products and section 1201 of title 17.

*Software-Enabled Consumer Products Study*

On December 15, 2015, the Copyright Office issued an NOI announcing a study on the role of copyright law with respect to the design, distribution, and use of consumer products that include embedded software. 80 FR 77668. This study is being done at the request of the United States Senate Committee on the Judiciary. Consistent with the Committee’s request, the focus of the study is on software contained in consumer products; it is not intended to address more general questions about software and copyright.

*Section 1201 Study*

Enacted in 1998 as part of the Digital Millennium Copyright Act (“DMCA”), section 1201 prohibits the circumvention of technological measures employed by or on behalf of copyright owners to control access to their works (also known as “access controls”), as well as the trafficking in technologies or services that facilitate such circumvention. In addition, section 1201 codifies a triennial rulemaking process through which the Librarian of Congress, upon the recommendation of the Register of Copyrights, can grant exemptions to the prohibition on the circumvention of access controls. The Copyright Office issued an NOI soliciting comments on the operation and effectiveness of section 1201 on December 29, 2015. 80 FR 81369.

### *Roundtable Subjects of Inquiry*

At this time, the Copyright Office is providing notice of its intention to seek further input for these studies through public roundtables to be held on the dates and at the addresses set forth above. The public roundtables will offer an opportunity for interested parties to comment on topics set forth in the NOIs.

For the software-enabled consumer products study, the roundtables at each location will consist of sessions on the following topics: (1) the proper role of copyright in protecting software-enabled consumer products; (2) ownership and contractual issues; (3) fair use; and (4) the first sale doctrine, section 117, and other limitations and exceptions. After the final session, the Office will also provide participants and observers with an opportunity to offer additional comments for the record.

For the section 1201 study, roundtables at each location will consist of sessions on the following topics: (1) the relationship of section 1201 to copyright infringement, consumer issues, and competition; (2) the rulemaking process – evidentiary and procedural issues; (3) the rulemaking process – renewal of previously granted exemptions; (4) the anti-trafficking prohibitions and third-party assistance for permitted circumvention of technological measures; and (5) permanent exemptions to the prohibition on circumvention. After the final session, the Office will also provide participants and observers with an opportunity to offer additional comments for the record.

Each of the roundtable hearing rooms will have a limited number of seats for participants and observers. Public seating for observers will be provided on a first-come, first-served basis on the days of the roundtables.

**Dated:** March 23, 2016.

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